

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Hanley	Team: Squad #1	CCRB Case #: 201710082	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/05/2017 6:00 PM	Location of Incident: 357 West 125th Street (Hip Hop Wireless).	Precinct: 26	18 Mo. SOL 6/5/2019	EO SOL 6/5/2019	
Date/Time CV Reported Tue, 12/05/2017 10:23 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 12/05/2017 10:23 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Allanronal Caranay	24837	962971	026 PCT
2. POM Edson Brutus	27303	932325	026 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edson Brutus	Abuse: PO Edson Brutus threatened to arrest § 87(2)(b)	
B.POM Edson Brutus	Discourtesy: PO Edson Brutus spoke discourteously to § 87(2)(b)	
C.POM Edson Brutus	Force: PO Edson Brutus used physical force against § 87(2)(b)	
D.POM Allanronal Caranay	Force: PO Allanronal Caranay used physical force against § 87(2)(b)	
E.POM Edson Brutus	Abuse: PO Edson Brutus refused to provide his shield number to § 87(2)(b)	

Case Summary

On December 5, 2017, § 87(2)(b) filed this complaint with the CCRB online.

On December 5, 2017, at approximately 6:00 PM, at Hip Hop Wireless on 357 West 125th Street in Manhattan, PO Edson Brutus and PO Allanronal Caranay of the 26th Precinct responded to a dispute. PO Brutus threatened to arrest a customer, § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Brutus spoke discourteously about § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)). PO Brutus and PO Caranay used physical force against § 87(2)(b) (**Allegations C and D: Force**, § 87(2)(g)). PO Brutus allegedly refused to provide his shield number to § 87(2)(b) (**Allegation E: Abuse of Authority**, § 87(2)(g)). No summons or arrest occurred as a result of this incident.

Cell phone video and audio recordings of this incident were obtained by the investigation from § 87(2)(b) and the § 87(2)(b), § 87(2)(b) (Board Review 12, 13, 14).

Findings and Recommendations

Allegation (A) Abuse of Authority: PO Edson Brutus threatened to arrest § 87(2)(b)

It is undisputed by all accounts that § 87(2)(b) had a verbal dispute with § 87(2)(b), § 87(2)(b) over his refusal to fully refund a faulty product (see Board Review 01 through 06). § 87(2)(b) refused to leave the store unless she received a refund. § 87(2)(b) called 911 and PO Brutus and PO Caranay responded to the location. PO Brutus asked § 87(2)(b) to leave the store at the behest of § 87(2)(b). PO Brutus explained to § 87(2)(b) that if she did not leave the store, she could be arrested for trespassing.

§ 87(2)(b) provided audio of the incident which corroborated all statements (See Board Review 12 for audio, Board Review 15 for summary of audio and video footage). Specific clips in which PO Brutus explained that § 87(2)(b) could be arrested are attached below (Board Review 10, 11).



Audio1 for arrest threat 34 sec.mp4



audio 2 for arrest threat 22 sec.mp4

According to NYS Penal Law § 140.05: “A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises.” (Board Review 07).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Discourtesy: PO Edson Brutus spoke discourteously to § 87(2)(b)

§ 87(2)(b) a customer at Hip Hop Wireless, argued with PO Brutus with regard to § 87(2)(b) and then left the store. PO Brutus subsequently referred to § 87(2)(b) as a “moron.”

Audio from § 87(2)(b)'s recording of the incident captured the conversation between § 87(2)(b) and the officers. § 87(2)(b) instructs § 87(2)(b) to get the shield numbers of the officers and states that as auxiliary officers, they have to assist her § 87(2)(b) as the customer. PO Brutus tells § 87(2)(b) she does not know what she is talking about and states that she is a moron. § 87(2)(b)

asks how PO Brutus could insult people and PO Brutus repeats himself, stating “She is a moron, yes I said it. She is a moron.” The clip can be heard in the audio link attached below (Board Review 12).



Ms. Ai audio comment 31 sec.mp4

PO Brutus acknowledged referring to § 87(2)(b) as a “moron” upon hearing the audio of the incident, stating that she had instigated § 87(2)(b) to be uncooperative and was misinformed, as she had referred to the officers as auxiliaries and stated that they had to help the customers (see Board Review 05).

According to Patrol Guide Procedure 203-09, members of service are required to be courteous and respectful at all times (Board Review 16).

§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Force: PO Edson Brutus used physical force against § 87(2)(b)

Allegation (D) Force: PO Allanronal Caranay used physical force against § 87(2)(b)

§ 87(2)(b) stated that after PO Brutus told her he would arrest her if she did not leave, he asked § 87(2)(b) if § 87(2)(b) wanted her arrested (see Board Review 01). § 87(2)(b) stated that he did and PO Brutus approached her. PO Brutus took out his handcuffs and grabbed her arm but § 87(2)(b) held her hands (holding her phone) in front of her chest. PO Brutus grabbed her upper arm and tried to pull her arm behind her back but § 87(2)(b) did not let him. PO Caranay assisted PO Brutus by grabbing her other arm. § 87(2)(b) alleged that PO Brutus pushed her to the ground and as a result her face made contact with the ground. PO Brutus then put his knee on her. The officers asked her if she was going to leave the store and she said that she would if they would not arrest her. The officers then allowed § 87(2)(b) to get up off the floor. § 87(2)(b) asked the officers for their shield numbers and PO Brutus asked § 87(2)(b) again if he wanted to press charges. § 87(2)(b) stated that he did and PO Brutus and PO Caranay pushed her to the ground again, each grabbing her arms with one hand and pushing her back with the other. § 87(2)(b) kept her hands together in front of her chest and again went to the ground on her knees, leaning forward. The officers stopped attempting to handcuff her when § 87(2)(b) stated he did not want to press charges and stated he would give her money back out of his own pocket if she came back the next day. The officers allowed her to stand up and leave. No further physical contact was made by officers. § 87(2)(b) alleged her left cheek was swollen and her arms and legs were bruised. § 87(2)(b) did not receive any medical treatment as a result of her injuries.

§ 87(2)(b) stated that he told the officers that he wanted to press charges and then officers grabbed § 87(2)(b) by the wrists (Board Review 03). § 87(2)(b) put her hands in front of her and sat down on the ground on her own. The officers were unable to handcuff her. § 87(2)(b) asked the officers to let § 87(2)(b) go once she stated that she was a student as he did not want to have her record affected by an arrest. The officers let her go and made no further physical contact. § 87(2)(b) did not describe two instances on the ground.

§ 87(2)(b) a store employee, stated that he observed part of the incident and that he saw officers attempt to grab § 87(2)(b) at least once, and that she reacted by “throwing herself” on the floor (see Board Review 04). § 87(2)(b) kept her hands in front of her chest and refused to give them to the officers. § 87(2)(b) did not see § 87(2)(b)'s face make contact with the floor. § 87(2)(b) left the store on her own after § 87(2)(b) asked the officers not to arrest her.

PO Brutus stated that when § 87(2)(b) said that if he wanted § 87(2)(b) to be removed from the store (Board Review 05), PO Brutus pulled out handcuffs and grabbed one of § 87(2)(b)'s arms. She pulled her arm away from PO Brutus. PO Brutus attempted to get her arm behind her back while PO Caranay assisted with the other arm. PO Brutus pulled § 87(2)(b) to the ground on her knees. PO Brutus denied that her face made contact with the ground. § 87(2)(b) resisted the officers by interlocking her hands and holding them in front of her. § 87(2)(b) changed his mind and stated he did not want § 87(2)(b) arrested and offered to give her half the money (of the refund) out of his own pocket if she left the store and came back later. PO Brutus and PO Caranay released § 87(2)(b) but she insisted on having § 87(2)(b) promise her the money while she recorded him via cell phone. § 87(2)(b) refused this and the officers went to place her in handcuffs again. PO Brutus described this physical interaction as identical to the first, with § 87(2)(b) interlocking her hands in front of her while the officers grabbed each of her arms and pushed her to the ground on her knees. PO Brutus denied having his knee against her back. § 87(2)(b) stated that she was a student and § 87(2)(b) stated he did not want to press charges. § 87(2)(b) lingered in the store for another minute after this but the officers did not make any further physical contact with her. PO Brutus stated that he ultimately chose not to arrest her both at the request of § 87(2)(b) but also as he did not want to affect § 87(2)(b)'s record since she stated she was a student.

PO Caranay was consistent with PO Brutus (Board Review 06). PO Caranay assisted PO Brutus by trying to pull § 87(2)(b)'s arm behind her back. He observed no physical injuries on § 87(2)(b) and did not hear her complain of physical injuries.

§ 87(2)(b)'s cell phone footage shows the officers standing over § 87(2)(b) each holding an arm (see Board Review 13 for video, Board Review 15 for summary of audio and video footage). § 87(2)(b) is in a kneeling position leaning forward. § 87(2)(b) asks why she is getting arrested and PO Brutus states “Because when they tell you to leave the store you have the option to leave the store or you get arrested... are you going to leave the store?” § 87(2)(b) states that she will leave the store. PO Caranay and PO Brutus let go of her and PO Brutus instructs her to pick up her belongings and leave. § 87(2)(b) stands up and tells PO Brutus to apologize to her. PO Brutus asks § 87(2)(b) if he wants to press charges against her. § 87(2)(b) answers that he does and PO Brutus reaches out to grab § 87(2)(b)'s arms. § 87(2)(b) states “No” and puts her arms behind her back, then forward in front of her chest holding them together. PO Brutus and PO Caranay approach her and each grab one of her arms. § 87(2)(b) goes to the ground on her knees, leaning forward. PO Brutus and PO Caranay both have one hand on her back and one hand on each of her arms. Her face does not make contact with the ground and her going to the ground does not appear to have been a result of officers taking her to the ground but rather as a result of her dropping herself to the ground. The officers tell § 87(2)(b) not to resist. § 87(2)(b) is then heard stating that he wants to let her go. PO Caranay and PO Brutus stop struggling with § 87(2)(b). PO Brutus stops pulling her arm and PO Caranay lets her go and stands aside. In the second video file, which starts one minute and thirty

five seconds later, PO Brutus is also standing and not making contact with her (see Board Review 14 and file attached below).



Mr. § 87(2)(b) force cell phone video footage1 min 15 sec.mp4



Mr. § 87(2)(b) force cell phone video footage(2) 1 min 3 sec.mp4

According to Patrol Guide Procedure 221-02, the members of service “should apply no more than the reasonable force necessary to gain control” (Board Review 08).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation (E) Abuse of Authority: PO Edson Brutus refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that after the first time the officers let her stand up, she requested their shield numbers. § 87(2)(b) told her not to report the officers or he would press charges on her. She did not recall how many times she asked the officers for their shield numbers. PO Brutus did not respond to her request. Instead he asked § 87(2)(b) again if he wanted to press charges on § 87(2)(b) and then attempted to take her to the ground again. After she was allowed to stand up and go a second time, prior to leaving the store, § 87(2)(b) attempted to take cell phone photos of PO Brutus and PO Caranay’s shields. PO Brutus turned away from § 87(2)(b) and she was unable to get a photo of PO Brutus’ shield but she obtained a photo of PO Caranay’s.

§ 87(2)(b) stated that she instructed § 87(2)(b) to get the officers’ names and shield numbers immediately prior to leaving the store (Board Review 02). § 87(2)(b) was not in the store long enough after to know if § 87(2)(b) obtained this information.

§ 87(2)(b) stated that as § 87(2)(b) left, she asked the officers for their shield numbers. The officers told her “Ok” and showed her their shield numbers. § 87(2)(b) appeared to be using her cell phone to take pictures of their shield numbers. She did not complain that she could not see the shield numbers. § 87(2)(b) left after this.

§ 87(2)(b) stated that he heard § 87(2)(b) ask officers for identification soon after § 87(2)(b) left (Board Review 04). However, § 87(2)(b) did not recall whether or not officers responded to this and was not paying attention as he was in and out of a backroom in the store for most of the incident.

PO Brutus stated § 87(2)(b) asked for his name and shield number after he let her up (Board Review 05). PO Brutus gestured towards his shield, pulling it forward and stating she could have the information if she wanted it. PO Brutus did not see § 87(2)(b) take the information down. Later, after § 87(2)(b) told § 87(2)(b) that he would give her money himself, § 87(2)(b) requested names and shield numbers. PO Brutus did not recall if § 87(2)(b) asked PO Caranay for his name and shield number specifically. PO Brutus denied preventing § 87(2)(b) from reading his name and shield number and that he observed what he believed was her taking a cell phone picture of his shield. § 87(2)(b) did not complain of being unable to read his name or shield number and PO Brutus stated that he gave her ample time to read the information before she left the store.

PO Caranay stated that once § 87(2)(b) was released by the officers that she requested PO Brutus' name and shield number (not his) and PO Brutus gestured towards his name and shield number on his jacket so § 87(2)(b) could see it (Board Review 06). § 87(2)(b) wrote PO Brutus' information down on a piece of paper.

In the video footage provided by § 87(2)(b) states "Give me your badge number" while on the ground struggling with PO Brutus and PO Caranay (Board Review 13, same footage as attached above in Allegation C and D). Both officers inform her that she can have that information and let her stand up once she agrees to leave the store. PO Brutus gestures to his shield number, but § 87(2)(b) is still facing away from him. She turns towards PO Brutus and asks for an apology. Neither the footage nor the audio (which according to § 87(2)(b) spanned the entire incident) captures any additional requests for shield numbers or identification aside from this.

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 18).
- PO Edson Brutus has been a member-of-service for 14 years and has been the subject in one CCRB complaint and two allegations, neither of which was substantiated. PO § 87(2)(g)
- PO Allanronal Caranay has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of February 6, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to his complaint (Board Review 19).
- § 87(2)(b) [REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]

Squad No.: 1

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date